

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:05CR362
)	
vs.)	ORDER
)	
KEITH LEON DYSON,)	
)	
Defendant.)	

This matter is before the court on the motion to continue by defendant Keith Leon Dyson (Dyson) (Filing No. 15). Dyson seeks a continuance of the trial of this matter to on or after February 15, 2006, due to his medical condition. Dyson has submitted an affidavit in accordance with paragraph 9 of the progression order whereby Dyson consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motions will be granted.

IT IS ORDERED:

1. Dyson's motion to continue trial (Filing No. 15) is granted.
2. Trial of this matter is re-scheduled for **February 27, 2006**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **December 12, 2005 and February 27, 2006**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 12th day of December, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge